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The Sentinel-Record.

THE ONLY NEWSPAPER IN HOT SPRINGS THAT RECEIVES THE FULL ASSOCIATED PRESS REPORT OVER LEASED WIRES.

HOT SPRINGS, ARKANSAS, WEDNESDAY MORNING, FEBRUARY 25, 1914.

WEATHER FORECAST

Washington, Feb. 24.—Forecast for Arkansas: Fair and warmer Wednesday; Thursday fair.

NUMBER 131.

BECKER GETS NEW TRIAL; FOUR GUNMEN MUST DIE

SUPREME COURT OF NEW YORK SAYS SCHEPPS WAS ACCOMPLICE OF ROSE AND OTHERS.

BECKER TRIAL WAS UNFAIR

Vallon, Rose and Webber, All Should Have Been Convicted, Believes the Court, and Should Have Been Executed with the Four Gunmen.

New York, Feb. 24.—The conviction of Charles Becker, former police lieutenant, of the murder of the gambler, Herman Rosenthal, was annulled today by the court of appeals at Albany, the highest court in the state.

He is entitled to a new trial, but it seemed probable tonight that he might go free without facing a second ordeal.

It was made known that District Attorney Charles S. Whitman believes that under the prevailing opinion handed down by the court, conviction a second time would be impossible.

Appeals taken by the four gunmen, "Whitey" Lewis, "Lefty" Louie, "Gyp the Blood" and "Dago Frank," convicted as the actual murderers of Rosenthal and whom Becker was accused of having instigated to commit the crime, were not sustained and they will have to die in the electric chair, probably in March, except in the event of executive clemency.

"The district attorney is the last man in the world," said Mr. Whitman tonight, "who would want to stand with a conviction that is not justifiable by law. That is all the comment that I care to make."

The district attorney had not received the full text of the opinion tonight, but it was learned that forming his judgment on such of it as was available, he had little hope of presenting sufficient evidence to convict Becker at a second trial. As Mr. Whitman was said to have interpreted the opinion, the testimony of the three chief witnesses against Becker, John Rose, Bridgette Webber and Harry Vallon, self-confessed accomplices, has not been held by the court to be "credible." Although it is known that the district attorney has new evidence he could bring forth, the testimony of these three, the gamblers who said they hired the gunmen to kill Rosenthal at Becker's behest, was the foundation of the case.

Mr. Whitman also was under the impression tonight that in effect the court had held that Sam Schepps, who corroborated the testimony, also was an accomplice.

"If twenty men were in the conspiracy to murder," a lawyer close to the district attorney said tonight, "and nineteen of them were to turn state's evidence against the twentieth, the twentieth could not be convicted under this decision. It would be futile to bring Becker to trial again."

"Good news received. Congratulations and thanks," was the telegram Joseph A. Shay, his attorney, received from Becker from the death house in Sing Sing prison. Shay was jubilant tonight, declaring the state's case had fallen to pieces. He said that within a day or two he would confer with the district attorney and request a dismissal of the indictment.

Becker's wife, who has been a weekly visitor to the death house in Sing Sing prison during her husband's incarceration, threw her arms around the attorney's neck and kissed him when she arrived at his office today to hear the good news.

As soon as the prison authorities receive the court's remittitur, Becker will be brought to New York and placed in the Tombs until his case is disposed of. Most of the principal witnesses against Becker are still in New York and would be available if the district attorney should decide on a second trial. Rose, Webber, Vallon and Schepps, who obtained immunity from prosecution by testifying for the state, are at large. They have abandoned the ways they followed when Becker knew them as head of the "strongarm squad" that dealt with gamblers.

Justice Goff, the court held, erred in many of his rulings in Becker's trial and appeared to be prejudiced in his attitude toward the defendant. The reversal was based solely on these grounds.

No attempt was made by the court to say whether the weight of evidence against Becker was sufficient to warrant his conviction. It was pointed out, however, that the testimony against him was given by wit-

nesses of low class and as much of it was open to doubt, he, therefore, was entitled to a fairer trial than he received.

All of the seven members of the court except Judge Werner, who acted as presiding judge when the appeal was argued, coincided in the prevailing Becker opinion, which was written by Judge Hiscock. In a dissenting opinion, Judge Werner said that the main contentions of the state had been fully proven to warrant conviction.

The much-mooted question as to the status of Sam Schepps, who, the jury in the Becker case decided was not an accomplice to the crime, still is unsettled. The prevailing opinion merely said there was doubt in the minds of some of the court as to the propriety of excluding Schepps as an accomplice.

The decision in the case of the four gunmen, "Gyp the Blood," "Whitey" Lewis, "Dago Frank" and "Lefty Louie" was unanimous. They had averred that the evidence against them was insufficient to warrant conviction and also that the court had erred in handling their cases, but these contentions were held to be groundless.

The date for the execution of the gunmen will be fixed by the court within a few days. The death warrants are in the clerk's office ready for the signatures of the judges when they decide upon a date for the executions.

The law provides that the date of execution shall not be deferred more than six weeks after the affirmation of the judgment of conviction has been announced.

The court of appeals, however, usually allows only five weeks to elapse. If prececut is followed, the gunmen will be electrocuted during the latter part of March.

Although the court made no attempt to pass on the weight of any of the evidence nor to fix the status of any of those alleged to have been connected with the crime other than the five convicted men it dealt at length with their testimony.

Regarding Sam Schepps, the opinion said:

"While the presiding justice permitted the jury to find that Schepps was not an accomplice of Rose and the others, and therefore guilty like them of the murder, some of the members of the court believe that the finding was opposed to the overwhelming weight of the evidence."

Attention was called to the fact that Becker never was directly connected with the crime, but that the testimony of others who were jointly suspected convicted him. Of the five witnesses, Luban, Hallen, Rose, Webber and Vallon, was said:

"One of them, Luban, was produced for the purpose of the trial by the criminal authorities of a neighboring state where he was confined in jail on some conviction or charge whereof the nature does not appear. After being brought to New York and before going on the stand, this witness in a manner which we cannot but regard as suggestive was given an opportunity for conference with Rose, the chief witness for the prosecution, and who was immediately to follow him on the stand. Their evidence was entirely harmonious. Another witness, Hallen, was a degenerate lawyer and convict, who also was temporarily delivered from jail to be a witness. In addition to the impeachment of their evidence furnished by other witnesses, much of the testimony of these men, it seems to us, inherently improbable, and unworthy of belief."

"Three of the other witnesses were Rose, Webber and Vallon, gamblers and law breakers already referred to. Undoubtedly, they were guilty of the murder of Rosenthal. Soon after it occurred their complicity in hiring the men who actually killed him was established and there was no question that they had forfeited their lives and were subject to the punishment of death, but they claimed that the defendant had instigated them to do this crime, and by virtue of this claim they secured from the district attorney, with the consent of the court, as the stipulation recites, an agreement in writing, giving immunity to them, conceding murderers, if they would furnish evidence tending to convict Becker, who thus far had only been accused of complicity in the crime."

Among other features regarding the testimony which the opinion pointed out were:

"That none of the witnesses against Becker was able to fix or approximate the date of the so-called Harlem conference, at which it was declared Becker made the arrangements with Jack Rose and others to kill Rosenthal."

"That there is grave doubt if there was any evidence whatever to corra-

borate the testimony of the six witnesses to the effect that Becker was an accomplice to the killing.

"That when the so-called Harlem conference took place Rosenthal had obtained no attention to his complaints against Becker. This weakens the theory of the prosecution that because of Rosenthal's complaints Becker desired him slain. It is reasonable to suppose that Becker was not sufficiently disturbed at that time to resort to such desperate methods as murder, and yet it is essential for the state under its theory to establish that the plan to murder Rosenthal was formed at this conference."

"That the two chauffeurs who are said to have carried Rose and his friends to the Harlem conference were never produced."

After referring to all of these facts and circumstances, the opinion went on to say that in the light of much doubt existing as to Becker's guilt, he "certainly was entitled to the fairest trial, which he did not get under Justice Goff."

Virtually all of the opinion was devoted to criticism of the New York justice.

Mrs. Becker Happy.

When Mrs. Becker was informed of the reversal by Attorney Shay she immediately left her home and went to Shay's office. There fifteen reporters, Becker's two brothers, Jackson Becker and Police Lieutenant John Becker, were waiting for her.

When Mrs. Becker opened the door and her eyes fell upon Shay she ran through two offices to reach him. The woman threw her arms around Shay's neck and kissed him.

Mrs. Becker's mother died yesterday. She will be buried tomorrow. Despite this fact, Mrs. Becker's face was wreathed in smiles.

"I am the happiest woman in the world," she said. "I do not believe my husband will ever be tried again and neither does he."

Asked what she believed to have been the cause of Becker's conviction, she said:

"There was a hue and cry to 'get some one' for the murder of Rosenthal. My husband happened to be caught in the net."

"While Charlie has been in the death house," she continued, "eleven men have been executed. I came to know those men during my visits. One by one they were taken out and killed. I would talk to a man one week and go back the next time to see his cell occupied by some other unfortunate. Every time I looked at Charlie I wondered whether he, too, would follow the eleven through that little door opposite his cell."

"As far as my husband not being retried for the crime they alleged he committed, I wish they would retry him; I want him to be acquitted."

"He had absolutely nothing to do with the killing of Rosenthal. I want the world to know that he did not. He was the victim of a vile conspiracy and that should be proved."

Soon after Becker was sent to the death house, Mrs. Becker returned to the public school in Harlem where she had been before she married the police lieutenant. She has been teaching there ever since.

John F. McIntyre, who defended Becker at the trial, said:

"If the court of appeals has held that Schepps is an accomplice, as a matter of law, the people are without a case. Since he was practically the only one who corroborated Rose, Webber and Vallon and the court of appeals holds him to be an accomplice, this leaves the state without the corroboration required by law."

"I felt that the court must reverse, from the night of conviction. The trial was a series of errors from the beginning. The hysteria prevailing at the time prevented a fair and impartial trial from being given to the defendant."

"There will never be another trial now that the state's case has fallen to pieces."

Chas. G. F. Wahl, attorney for the four gunmen, declared there was nothing left for him to do except to appeal for executive clemency after the date for the execution of the men is determined upon.

"It is axiomatic," he said, "that an appeal for clemency will be made. As I have not seen the complete text of the decision I am at this time unable to say just what the application will be based upon."

SUFFRAGETTE SENTENCED.

London, Feb. 24.—Phyllis Brady, a militant suffragette, accused of arson, was sentenced to eighteen months' imprisonment at hard labor by a magistrate at the London sessions today, despite the jury's recommendation of mercy, on the ground that she had been led astray by older militants.

Miss Brady was arrested on the charge of being one of the suffragettes who had set fire to the residence of Lady White, widow of Field Marshal Sir George White, at Englefield Green, Surrey, March 20, 1913. She is 24 years old.

SHE IS "SOME CHICKEN"



When Judge Ben Lindsey of the Denver juvenile court took his young bride home the other day, the couple were welcomed by a great throng of newboys and street Arabs. "What do you think of her?" the judge asked the cheering lads. "She's some chicken," was the enthusiastic reply, and the judge, looking at the pretty, blushing girl, said "I guess you're right."

PLEDGE IS FILED ONE DAY TO LATE

EMERY M. MARTIN MAY TAKE STEPS TOWARDS FORCING HIS NAME ON TICKET.

Had Intended Being Candidate on the Ticket for County Superintendent of Public Instruction.

Regardless of the published warnings relative to the requirement which forced every candidate for county office to file a pledge with the county clerk, on or before Monday, else he could not have a place on the ticket, Emery Martin, a candidate for county superintendent of public instruction, did not file his pledge on that day.

Yesterday morning he visited the office of the county clerk, looked over the law and found himself in a dilemma. He discussed the matter with County Clerk Davis and County Judge Mooney, both of whom went over the law with him. It seemed plain that the time for him to file the pledge had lapsed, and that there was nothing that could be done in the matter.

Mr. Martin then engaged the advice of his own attorney in the matter, and as a result filed out the required pledge and submitted it to County Clerk Davis for file. The county clerk was uncertain as to receiving it after the date had lapsed, but did accept the pledge for file, however, designating thereon the fact that it had not been filed within the required time.

That puts the matter up to the county democratic central committee as to whether the name shall go on the ticket or not, of course, after the state law on the subject is taken into consideration. The attorney general has issued one opinion on this subject and that opinion probably will be sent for in its official form, that the county committee might be guided thereby in their action here.

BATTLESHIP RAMMED.

New Orleans, Feb. 24.—Two of the six-inch guns of the battleship Ohio were damaged today when the British steamer Atherstone, outward bound, rammed the port side of the warship. A coal lighter alongside the warship was smashed by the freighter. A board of inquiry will make an investigation of the damage to the Ohio. Those on board the freighter said the steering gear was disarranged.

WANT PART OF CITY STREETS

IRON MOUNTAIN RAILROAD IN UNREASONABLE REQUEST OF BUSINESS MEN.

PROPOSAL IS TURNED DOWN

Depot Must Be Placed on the Property of the Company—Interests of New Railroad are Evidently Being Taken Care of By Iron Mountain.

Presenting plans for a new railroad station that used 50 feet of the city streets and asked for the absolute shutting off of the Olive street intersection of its line, the Iron Mountain railroad through its officials appeared before an impromptu meeting of the Business Men's League yesterday to ask for the adoption of resolutions addressed to the city council favorable to their wants in the matter of this anticipated improvement.

The motion to approve the scheme was presented by Chairman Hamp Williams, president of the Business Men's League, who presided at the meeting, and there were some ayes to the motion, but there were about an equal number of nays, and after some further discussion, the whole of the matter was deferred for further consideration.

Engineer Smith of the Iron Mountain railroad presented the plans of the proposed new depot, which call for a "V" shaped building, stretching from along Valley street northward to a point and then along Elm street south to the baggage rooms. Behind this building was left room for a freight house within the same block.

The building was one story, of brick, and as outlined provided for the main wing of the building on Valley street being used for the white waiting rooms, and ticket office, and for the wing on Elm street having the negro waiting rooms, baggage rooms, and extending back to where is later proposed a freight house.

The plans provided that the trains should not come along side the depot, but should abut the depot on the south side. Tracks for six lines were arranged for there, together with two additional tracks that would lead over by the proposed freight house.

Mr. Smith explained that the company wanted to put the depot 50 feet further northward, in the street, than the company owned property, because of a desire to get the trains on waiting tracks in clear of streets at the southern terminal. He said the company would want the right to occupy this 50 feet of street, and would want the council to close up Olive street.

"Has the city the right to give the streets to the railroads?" was asked. Mr. Smith stated that attorneys for the company had gone over this question, and the company would take chances on building in the street, if the council would pass such an ordinance.

"But the city could move us out of the street," he said, "if ever the time came that the city did not want us to occupy it further."

That answer did not coincide with the experience the city has had in this line. The Rock Island occupies part of Benton street. Some property owners in the past had spent more of their money than they could afford trying to get the railroad out of that street, and had failed to do so.

Mr. Smith explained that the new plan as shown, anticipated a much increased business on the part of the Iron Mountain. The railroad he said would need more than one passenger track for its patrons. He urged the adoption of the new plans because six tracks could be used, and the city might grow to that need. He spoke of the Iron Mountain being willing to build a \$60,000 passenger station here, when other cities of an equal size never had such splendid depots. But he did not state that Hot Springs travel was not to be measured by other cities of equal size, or that the Iron Mountain was probably preparing to take care of the depot, passenger, and terminal business of another railroad, the Memphis, Dallas and Gulf, and that the Iron Mountain railroad was probably not making that extra arrangement without a view to compensation to the Iron Mountain road.

Alderman Sam Williamson started the fight on the giving of the street to the depot when he asked if the railroad would agree to take the two spurs now on Valley street off that street. Mr. Smith said the railroad company probably could not agree to

do that. He said other interests might object.

To this Mr. Williams explained that when the city undertook to remove the tracks the railroad company went into chancery court to protect the spurs.

City Attorney McLaughlin, speaking from the viewpoint of a tax payer, said he would not be in favor of giving the Iron Mountain one inch of the streets. He did not believe the city could do this legally, and certainly he would lend his influence against it. He said that he would also oppose closing up streets for the railroad. The railroad could build viaducts, as was done in other cities.

Dr. Laws, who anticipates the rebuilding of the splendid Ozark Sanitarium, stated that he would object most seriously to the railroad putting its depot further up in the city than its own line. He saw in the plans where the railroad wanted to move the passenger depot up in the street and then use its former depot site for a freight house, thereby injuring materially the improvement he had anticipated making.

Alderman Pettit believed that the railroads should be encouraged to move further out, in a hotel resort like Hot Springs, farther than encouraged to come closer in. He said that the railroads made no effort to operate quietly in the hours when visitors were at rest.

E. M. Cohen, who with Mr. Simon Cooper had gone to St. Louis as a committee from the Business Men's League railroad committee, thought the plans should be approved, as they had been gone over carefully, and seemed to be the best thing to do in the matter.

Others, however, did not agree with the plans, and when the meeting adjourned, it was announced that the plans would be left with the city clerk so that any citizen interested might view them and give them such further consideration as they believed should be given them.

ROAD DISTRICTS REPORT TONIGHT

BUSINESS MEN'S LEAGUE WILL HEAR FROM THE IMPROVEMENT DISTRICTS NAMED.

Question of What Progress Has Been Made Will Be Answered Tonight When Committees Report.

Since committees have been designated to survey the probabilities of forming road improvement districts on almost every road leading out of the city, and these committees were told to make their report to the Business Men's League tonight, this meeting should be of more than usual interest.

The enthusiasts on the road question very much desire that every committee shall be heard from. Make the report, whether it is good or bad, or whether any progress has been made. It will be upon the reports submitted to the League tonight that it will be determined whether the road improvement district plan is sufficiently popular with the people to result in the building of good roads in the county.

Particular interest will attach to the reports made on the proposed Little Rock highway and the roadway to Mountain Valley township. The former is urged beyond all others, and the latter would make a most splendid driveway from the city, besides opening the way for good travel to two of the first-class out-of-the-city resorts of the county.

President Hamp Williams, who has named a number of committees to take the preliminary steps towards the formation of improvement districts, urges that some attorneys interested in the cause be present tonight and make answer as to what shall be done where road districts conflict.

In the case of the Smith Ferry road and the Higdon road, they are not one and one-half miles apart at many places, therefore if the district is to extend that far on either side, there must be some arrangement made as to where the dividing line shall be. The same condition applies to part of the Malvern avenue and the Shady Grove districts, where in many places they would overlap.

The matter of determining where the dividing line of the district under such circumstances, shall be, will be one of the important matters to be taken up tonight.

WHITE SOX IN TRAINING.

Los Angeles, Feb. 24.—The Chicago White Sox left for their training quarters today at Paso Robles, Cal.

There were thirty men aboard the special. The players arrived here yesterday.

VILLA HOLDS BENTON BODY

RUMOR THAT HE IS AFRAID TO DELIVER BODY THAT WOUNDS MAY BE EXAMINED.

CALLS IT RESPECT TO DEAD

Body Might Show One Bullet Wound Inflicted in Stomach By Villa Rather Than the Wounds Inflicted in Usual Form by a Firing Squad.

El Paso, Tex., Feb. 24.—Gen. Francisco Villa at Chihuahua today refused to give up the body of Wm. S. Benton, a British subject executed in Juarez several days ago. His reasons embodied in a private telegram have aroused bitter feeling along the border.

"I will not give up the body out of respect to the dead," Villa's message said. "It was interred with all religious observances and a cross erected over it, and I will not allow the sacrilege of its removal."

This word came in response to a telegram sent by one of Villa's subordinates at Juarez informing him that no personal idea should keep him from permitting the transfer of the body to the widow and informing him that perhaps he was not familiar with the storm of criticism that had greeted his failure to do so.

A definite refusal to give up the body was received by a consular representative of the United States late today and forwarded to Washington. The explanation came to Juarez.

Many persons here today said the refusal indicated to their minds that Benton was shot by Villa, and that he feared to deliver the body lest its condition indicate the manner of death as other than by court martial.

It is hoped that within a day or two the statement of a competent witness to the shooting, alleged by enemies of Villa to have taken place in his headquarters, may be obtained. Americans and representatives of the Mexican federal government are working to this end.

Villa's statement telegraphed from Chihuahua today that Benton was guilty of four murders and making a charge of cattle stealing was received by Benton's friends with derision. Three who knew Benton intimately asserted no charge of the sort ever had been brought against the Englishman.

United States secret service men today received information indicating that Gustav Bauch has met a fate similar to Benton's. Thomas D. Edwards, consul at Juarez has been assured repeatedly that Bauch was safe in Chihuahua, awaiting a review of his case wherein he is charged with being a spy.

Meantime Mr. Fletcher, consul at Chihuahua, after a search of jails and barracks, and diligent inquiry, has been unable to find Bauch. Villa, in an interview last night asserted to newspaper men that he had not taken the German-American from Juarez at all.

STORM STOPS TRAINS.

Springfield, Ill., Feb. 24.—Some of the trains stalled by the recent storm were extricated from snow drifts today, but all roads are badly crippled. Three passenger trains and more than a dozen engines remain stranded on the Baltimore & Ohio, between Flora and Beardstown. Three snow-covered trains on the Wabash chained together because of drawbars chained pulled out, were pushed into Springfield today, from snow drifts near Jacksonville.

MARDI GRAS OPENS.

New Orleans, Feb. 24.—Crawford H. Ellis, southern district manager of a fruit importing company, was proclaimed Rex, king of carnival, at the annual Rex ball at the Athenaeum here tonight. Miss Flores Howard, daughter of Harry T. Howard, was crowned queen. Miss Mary Orme was crowned queen at the Momus ball at the French opera house.

RESERVATION IS "DRY."

Washington, Feb. 24.—The right of the federal government to make "dry" territory of 400,000 acres of the old Yankton Indian reservation recently opened for settlement in South Dakota was upheld today by the supreme court in upholding the conviction of Sam B. Perrier for the sale of liquor in drug stores in Dante, S. D.